

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2764

JOAN MARCOTT; JOCELYN "NINA" SPINALI,

Plaintiffs - Appellants,

and

FILOMENA HARTFORD; CELESTE ROSEBORO; LENDA
HARRIS WATTERS; KELLY CLARK; MARRIE ROSE
MILLER,

Plaintiffs,

versus

UNITED STATES OF AMERICA; JANET RENO, United
States Attorney General; KATHLEEN HAWK, Direc-
tor, Bureau of Prisons; DAN EDWARDS, Director
of Alderson FPC Operations; TOM HARVEY, Finan-
cial Responsibility Program Coordinator,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Bluefield. David A. Faber, District
Judge. (CA-94-675-1)

Submitted: March 21, 1996

Decided: April 2, 1996

Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Joan Marcott, Jocelyn Spinali, Appellants Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellants appeal the district court's order dismissing their declaratory judgment action. Appellants' case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1988). The magistrate judge recommended that relief be denied and advised Appellant that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellants failed to object to the magistrate judge's recommendation.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellants have waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED